

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	21-Cr-294 (SHS)
 -v-	:	<u>ORDER</u>
 ERICK SPIVEY,	:	
 Defendant.	:	

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SIDNEY H. STEIN, U.S. District Judge.

At the request of defendant,

IT IS HEREBY ORDERED that the sentencing is adjourned to November 4, 2021, at 12:00 p.m. The sentencing will occur as a videoconference using the Zoom platform. Defense counsel will be given an opportunity to speak with the defendant for 15 minutes before the proceeding begins; defense counsel should make sure to answer the telephone number that was previously provided to Chambers at that time.

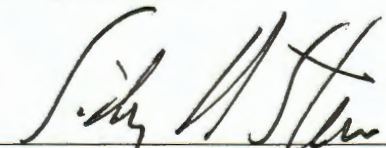
To optimize the quality of the video feed, only the Court, the defendant, defense counsel, and counsel for the government will appear by video for the proceeding; all others will participate by telephone. Members of the press and the public may access the audio feed of the conference by dialing 888-273-3658 and using access code 7004275 to join the conference in listen-only mode.

In advance of the conference, Chambers will email the parties with further information on how to access the conference. Those participating by video will be provided a link to join the videoconference. Chrome is the recommended browser for Zoom.

If possible, defense counsel should discuss the attached Waiver of Right to Be Present at Criminal Proceeding with the defendant prior to the proceeding. If the defendant consents and is able to sign the form (either personally or, in accordance with Standing Order 20-MC-174 of March 27, 2020, by defense counsel), defense counsel shall submit the executed form **at least 24 hours prior to the proceeding**. In the event the defendant consents, but counsel is unable to obtain or affix the defendant's signature on the form, the Court will conduct an inquiry at the outset of the proceeding to determine whether it is appropriate for the Court to add the defendant's signature to the form.

Dated: New York, New York  
October 28, 2021

SO ORDERED:

  
\_\_\_\_\_  
Sidney H. Stein, U.S.D.J.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

.....X  
UNITED STATES OF AMERICA

-v-

,  
.....X  
Defendant.

**WAIVER OF RIGHT TO BE  
PRESENT AT CRIMINAL  
PROCEEDING**

-CR- ( ) ( )

**Check Proceeding that Applies**

\_\_\_\_\_ Entry of Plea of Guilty

I am aware that I have been charged with violations of federal law. I have consulted with my attorney about those charges. I have decided that I wish to enter a plea of guilty to certain charges. I understand I have a right to appear before a judge in a courtroom in the Southern District of New York to enter my plea of guilty and to have my attorney beside me as I do. I am also aware that the public health emergency created by the COVID-19 pandemic has interfered with travel and restricted access to the federal courthouse. I have discussed these issues with my attorney. By signing this document, I wish to advise the court that I willingly give up my right to appear in person before the judge to enter a plea of guilty. By signing this document, I also wish to advise the court that I willingly give up any right I might have to have my attorney next to me as I enter my plea so long as the following conditions are met. I want my attorney to be able to participate in the proceeding and to be able to speak on my behalf during the proceeding. I also want the ability to speak privately with my attorney at any time during the proceeding if I wish to do so.

Date:

\_\_\_\_\_ Print Name

\_\_\_\_\_ Signature of Defendant

\_\_\_\_\_ Sentence

I understand that I have a right to appear before a judge in a courtroom in the Southern District of New York at the time of my sentence and to speak directly in that courtroom to the judge who will sentence me. I am also aware that the public health emergency created by the COVID-19 pandemic has interfered with travel and restricted access to the federal courthouse. I do not wish to wait until the end of this emergency to be sentenced.



I have discussed these issues with my attorney and willingly give up my right to be present, at the time my sentence is imposed, in the courtroom with my attorney and the judge who will impose that sentence. By signing this document, I wish to advise the court that I willingly give up my right to appear in a courtroom in the Southern District of New York for my sentencing proceeding as well as my right to have my attorney next to me at the time of sentencing on the following conditions. I want my attorney to be able to participate in the proceeding and to be able to speak on my behalf at the proceeding. I also want the ability to speak privately with my attorney at any time during the proceeding if I wish to do so.

Date: \_\_\_\_\_ Print Name  
Signature of Defendant

I hereby affirm that I am aware of my obligation to discuss with my client the charges against my client, my client's rights to attend and participate in the criminal proceedings encompassed by this waiver, and this waiver and consent form. I affirm that my client knowingly and voluntarily consents to the proceedings being held with my client and me both participating remotely.

Date: \_\_\_\_\_ Print Name  
Signature of Defense Counsel

**Addendum for a defendant who requires services of an interpreter:**

I used the services of an interpreter to discuss these issues with the defendant. The interpreter also translated this document, in its entirety, to the defendant before the defendant signed it. The interpreter's name is: \_\_\_\_\_.

Date: \_\_\_\_\_  
Signature of Defense Counsel

Accepted: \_\_\_\_\_  
Signature of Judge  
Date: